

**WILLIAMSBURG CITY COUNCIL
AUGUST 11, 2005
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, August 11, 2005, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads: Nester, Hudson, Clayton, Serra, Weiler, Yost, and Assistant City Manager Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Scruggs Moved Approval of the Minutes of July 11, July 14, and Special Meetings of July 19 and 20, 2005. Mr. Freiling Seconded the Motion.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

MATTERS OF SPECIAL PRIVILEGE

Mayor Zeidler recognized Ms. Michele DeWitt, the city's new Economic Development Manager. The Mayor thanked Ms. DeWitt for being present and said that she looked forward to a great working relationship.

PUBLIC HEARINGS

PCR #05-015: Request of Roseland Property Company for a special use permit to reduce certain front, side and rear yard requirements for High Street Williamsburg, 1424-1446 Richmond Road and 150-176 Ironbound Road.

PCR #05-018: Amendment of ED-2 District to allow buildings to be constructed to a height of 60 feet if they are set back at least 50 feet from Treyburn Drive, *Proposed Ordinance #05-19*

PCR #05-019: Amendment of the Zoning Ordinance parking regulations to allow off-site parking for residential uses upon approval by the Board of Zoning Appeals, City Council, or Planning Commission, *Proposed Ordinance #05-20*

Mayor Zeidler said there was one additional item for Council's consideration which is listed on the agenda under Planning Reports, and will be considered with the above requests. However, no public hearing is required on this request:

PCR #05-017: Request of Roseland Property Company for Approval of a Preliminary Plat (Master Plan) for the Townhouse Section of High Street Williamsburg, as 53 Lot Townhouse Subdivision Located at 1424-1446 Richmond Road and 150-176 Ironbound Road.

Reference for these items was Mr. Nester's report dated August 11, 2005. Using a Powerpoint presentation that included maps and slides of the proposed development, Mr. Nester reviewed the information provided in his report:

High Street Williamsburg is a mixed-use development proposed by Roseland Property Company and is designated as Economic Development land use by the 1998 Comprehensive Plan. The 56.5 acre project is zoned ED-2 Economic Development District. Mr. Nester pointed out the three components of the development: a commercial section, a residential section (apartments, condominiums, townhouses), and the area for future development.

The Planning Commission held a public hearing on PCR #05-015, #05-017, #05-018, and #05-019 on July 20, 2005, and recommended approval. Mr. Nester explained the specific cases and Planning Commission recommendations:

PCR #05-015: Special use permit to reduce certain front, side and rear yard requirements. Planning Commission recommended that City Council approve waivers to the front, side and rear yard requirements.

PCR #05-017: Preliminary plat for the townhouse section of High Street Williamsburg (53 lots). Planning Commission recommended that City Council approve the Preliminary Plat for the 53 lot High Street Williamsburg townhouse subdivision, as shown on the High Street Williamsburg Construction Plans.

PCR #05-018: Amendment of the ED-2 District to allow buildings to be constructed to a height of 60 feet if they are set back 50 feet from Treyburn Drive. Planning Commission recommended that City Council amend the building (condominiums) height regulations for the ED-2 District [Sec. 21-378(1)a.] to allow buildings to be erected to a 60 foot height if they are located at least 50 feet from Treyburn Drive, as detailed in Proposed Ordinance #05-19.

PCR #05-019: Amendment of Parking Regulations to allow off-site parking for residential uses. Planning Commission recommended that City Council amend the parking regulations [Sec. 21-702] to allow for approval of off-site parking for residential uses, as detailed in Proposed Ordinance #05-20.

Mr. Nester explained the Council actions needed to approve the above requests: Approve the Special Use Permit, approve proposed ordinances #05-19 and #05-20, and approve the preliminary plat as recommended by Planning Commission.

Mayor Zeidler opened the public hearing on requests, PCR #05-15, #05-18 and #05-19.

Ms. Nanci Bond, 416 Suri Drive, Williamsburg, stated that she was concerned about the 60 foot height limitation and felt it was out of scale with the community and sets a precedent. This is a charming, wonderful community, but there is already one building on

Richmond Road that is out of character. She pleaded that Council keep the existing height limitations. There are already many changes to this plan and more density than expected.

No one else wished to speak. The hearing was closed.

Mr. Haulman commented that the proposed changes made sense because of the design integrity of the entire project. The policies and procedures that have been established for anticipate and allow for these types of changes as the plan develops. It makes sense to have the buildings at the same height for this project.

Mr. Chohany concurred with Mr. Haulman, but had some questions about the height of buildings. He and Mr. Nester discussed the method of measuring height from the average grade and the roof, the standard zoning provisions, and the use of birms and landscaping to visually soften the full height and expanse of buildings.

Mr. Scruggs concurred with Mr. Haulman. He expected there would be large buildings on Treyburn Drive. Previous Councils and citizens retained this property to be developed with an acceptable Master Plan. The city now has an excellent partner with unique and high standards. He was impressed with the work of staff with Roseland to fine-tune this Master Plan. He was comfortable with these requests. He was not concerned about the height issue because it fits in with the character of this project, and he did not believe that the city would be receiving many requests for 60 foot high buildings.

Mr. Freiling agreed with Mr. Scruggs. There are things that could have been done in the design scheme of this project that would have resulted in lower buildings. We could have flat roofs on the condos but that would not be aesthetically desirable; eliminate underground parking and put in surface parking to create more impervious surface; move the development toward Richmond Road and eliminate the parking deck and green space in the commercial area, or throw off the axial relationship, but none of those would be an advantageous move. If this is the greatest compromise the city will make that will result in a fantastic use of this property with a well executed design, we are very fortunate.

Mayor Zeidler said the changes make sense and she agrees with her colleagues. She appreciated all of the comments regarding the quality and integrity of a master plan for this property. This was a goal of the city many years ago when the property was purchased. The Planning Commission has carefully looked at these requests and there was no dissent.

Mr. Scruggs Moved That City Council Move Approval of PCR #05-015, the Request of Roseland Property Company for A Special Use Permit to Reduce Certain Front, Side and Rear Yard Requirements for High Street Williamsburg, 1424-1446 Richmond Road and 150-176 Ironbound Road. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Mr. Scruggs Moved That City Council Adopt Proposed Ordinance #05-19, An Ordinance Amending Chapter 21, Zoning, Article III, Division 10.2, Economic Development District ED-2, Pertaining to Building Height. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

(SEE ATTACHED ADOPTED ORDINANCE #05-19)

Mr. Scruggs Moved That City Council Adopt Proposed Ordinance #05-20, An Ordinance Amending Chapter 21, Zoning, Article V, Parking, Pertaining to Location of Parking Spaces. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

(SEE ATTACHED ADOPTED ORDINANCE #05-20)

Mr. Scruggs Moved That City Council Approve PCR #05-017, A Preliminary Plan (Master Plan) for the Townhouse Section of High Street Williamsburg (53 lots). The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Mayor Zeidler thanked Mr. Dan Aston with Roseland for being present.

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Planning Report

Request of Roseland Property Company for approval of a preliminary plat (master plan).

This item was addressed and approved with the public hearings.

City Manager Reports

National Incident Management System (NIMS), Resolution #05-17

Reference for this item was Mr. Tuttle's report dated August 4, 2005.

Chief Weiler said that NIMS was an outgrowth of September 11. Every National Incident Management System (NIMS), compliant community will be able to integrate into any mutual

aid command center using like terminology, procedures, and definitions. This proposed resolution adopts the NIMS as the standard by which our resources will be organized to prepare, respond and recover from any emergency or disaster that occurs. Once the city adopts this proposed resolution and completes the required training, it will be eligible for FEMA grants.

The Chief explained what is necessary to become compliant with this system and noted that police, fire, and public works, would be integrated and work together to make decisions.

Mr. Chohany Moved That City Council Adopt Resolution #05-17, Designation of the National Incident Management System (NIMS) as the Basis for All Incident Management in the City of Williamsburg. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None (SEE ADOPTED RESOLUTION #05-17)

Peninsula Regional Jail Authority, Amended and Restated Cooperative Service Agreement

Reference for this item was Mr. Tuttle's report dated August 4, 2005, which included a copy of the amended agreement.

Mr. Tuttle, a member of the Peninsula Regional Jail Authority and the current Chairman, explained that the Board of Directors of the Authority has approved a change in the interlocal Cooperative Service Agreement which established the Authority. The formula for apportioning costs between the members (James City County, York County, Poquoson and the city) will be changed from a per capita/per inmate charge basis to a rolling average of per diem cost over a five-year period, in order to level costs and make budgeting more consistent. Mr. Tuttle recommended that Council approve the proposed amendment.

Mr. Tuttle confirmed that the Authority has collected data for the preceding five years to put the new formula in place.

Mr. Chohany Moved That City Council Approve the Proposed Amendment to the Cooperative Service Agreement for the Peninsula Regional Jail Authority. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

NEW BUSINESS

Appointments to Boards and Commissions

Reference for this item was the report from the Clerk regarding expiration of terms and member resignations. Mayor Zeidler said that Council members will consider appointments during the Closed Session.

OPEN FORUM

Mayor Zeidler asked for comments.

No one wished to speak. The session was closed.

CLOSED SESSION

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1, regarding appointments to boards and commissions, and one property matter pursuant to paragraph 3 regarding disposition of watershed property which discussion in an open meeting would adversely affect bargaining position or negotiating strategy of public body. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 2:46 p.m. The Mayor called a five-minute recess.

At 4:15 p.m., Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

CERTIFICATION OF CLOSED MEETING

Date: August 11, 2005

Motion: Mr. Haulman

Second: Mr. Chohany

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

Appointments to Boards and Commissions

Mr. Haulman Moved That City Council Reappoint Mr. Thomas Mainor to the Olde Towne Medical Center Board effective July 1, 2005, for a One-Year Term to Expire June 30, 2006; and

Appoint:

Mr. Frank E. Ferrante to the Citizens Telecommunications Advisory Committee to Fill the Unexpired Term of Mr. Jacob Rooksby to Expire June 30, 2006; and

Appoint Mr. Edward Richardson to the Economic Development Authority to fill the Unexpired Term of Mr. Oscar Prater to Expire June 8, 2007; and

Appoint Mr. Joseph Brinkley to the Economic Development Authority for a Four Year Term to Expire June 8, 2009.

The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 4:17 p.m.

Approved: September 8, 2005

Jeanne Zeidler, Mayor

Shelia Y. Crist
Clerk of Council